

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the Matter of Proposed Amendments	)	
to Commission Rules 4 CSR 240-3.165,	)	
4 CSR 240-3.245, 4 CSR 240-3.335,		Case No. AX-2003-
4 CSR 240-3.435, 4 CSR 240-3.540	)	
and 4 CSR 240-3.640.		

**AFFIDAVIT OF DALE W. JOHANSEN**

Dale W. Johansen, of lawful age, on his oath states: that he is a member of the Staff of the Missouri Public Service Commission; that he participated in the development of the subject proposed amendments to the Commission's rules; that he participated in the preparation of the following comments in support of the proposed amendments; that he has knowledge of the matters set forth in the comments in support of the proposed amendments; and that such matters are true and correct to the best of his knowledge and belief.

**Comments in Support of Proposed Rule Amendments**

The Staff of the Commission is proposing amendments to Commission rules 4 CSR 240-3.165, 4 CSR 240-3.245, 4 CSR 240-3.335, 4 CSR 240-3.435, 4 CSR 240-3.540 and 4 CSR 240-3.640. The affected rules are the Commission rules pertaining to the submission of annual reports by Commission-regulated electric utilities, gas utilities, sewer utilities, steam heating utilities, telecommunications companies and water utilities, respectively. The Staff is proposing the amendments to the affected rules for the following reasons.

1. On February 3, 2003, a letter regarding the procedures for submitting annual reports and the standards for those reports was sent to all Commission-regulated utilities. The letter also included the details of new procedures for submitting annual reports under seal and for submitting requests for extensions of time to submit annual reports. The proposed amendments would update the affected rules to be consistent with the procedures and standards set out in the

referenced letter, including changes that specifically address the issues of confidential treatment of annual reports and requests for extensions of time to submit annual reports.

2. There is inconsistent use of terminology in the affected rules. For example, in 4 CSR 240-3.640, water utilities are sometimes referred to as "water utilities" and at other times just as a "utility" (this problem also exists in the other affected rules). Also, the Commission is referred to as both the "Missouri Public Service Commission" and the "commission" in all of the affected rules. The proposed amendments would cure these inconsistencies in that they would result in the use of the terms "electric utility", "gas utility", "sewer utility", "steam heating utility", "telecommunications company" and "water utility" in the respective industry rules, and in the use of the term "commission" in all the rules, as these are the relevant terms defined in 4 CSR 240-3.010 (the general definition rule in Chapter 3).

3. When utility company annual reports are received at the commission they are not "filed" under a case file number, but the current rules refer to the "filing" of annual reports. By changing the term "filing" to "submitting" (and other similar changes), the proposed amendments would clarify that annual reports are not "filed" under a case number. (Somewhat of an exception to this in the rules would be when a utility wants to request an extension of greater than thirty days for submitting its annual report. For such a request, a utility company will file a pleading and a case will thus be created for consideration of the request.)

4. The affected rules currently do not include references to the use of the Commission's electronic filing and information system (EFIS) for meeting the various submission/filing requirements of the rules. The proposed amendments would add such references.

5. The affected rules currently do not include references to the statutory penalties to which Commission-regulated entities are subject if they do not meet certain requirements of the rules. The proposed amendments would add such references.

6. The affected rules currently do not include provisions regarding how an entity could challenge the confidential treatment of information contained in a non-public version of an annual report. The proposed amendments would add such provisions.

Lastly, the steam heating utility rule (4 CSR 240-3.435) currently contains language regarding the creation of new accounts. Similar language does not appear in the annual report rules for the other industries, and it is not necessary for this language to remain in this annual report rule. The proposed amendment to the steam heating utility rule would remove the language regarding the creation of new accounts, and would also update the rule to make it similar to the rules for the other industries consistent with the above comments.

Signed & Dated:

  
Dale W. Johansen – Manager

Water & Sewer Department  
Utility Operations Division

9/25/03  
Date

Subscribed and sworn to before me this 25<sup>th</sup> day of September 2003.



Notary Public

My Commission Expires:

DAWN L. HAKE  
Notary Public – State of Missouri  
County of Cole  
My Commission Expires Jan 9, 2005